

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT R. PORTER,)
Plaintiff,) Civil Action No. 04 - 1736
v.) Judge Thomas M. Hardiman/
HARRY J. CANCELMI, Jr., Esq.,) Magistrate Judge Lisa Pupo
Defendant.) Lenihan

MEMORANDUM ORDER

The above-captioned prisoner civil rights action was received by the Clerk of Court on November 15, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

After some intervening proceedings, including an appeal to the Circuit, the Magistrate Judge's Report and Recommendation (Doc. No. 37), filed on October 11, 2006, recommended that the case be dismissed pursuant to the Prison Litigation Reform Act as being frivolous and/or for failing to state a claim upon which relief could be granted. Service was made on the Plaintiff at SCI Camp Hill, PO Box 200, Camp Hill, PA 17001, which was the address listed on the docket. Plaintiff was informed that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, he had ten (10) days to file any objections. Plaintiff filed timely Objections (Doc. No. 38). The Court has reviewed the objections filed by Plaintiff. It raises nothing that was not previously addressed in the report and recommendation.

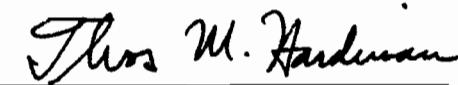
After *de novo* review of the pleadings and the documents in the case, together with the Report and Recommendation and the objections, the following order is entered:

AND NOW, this 4th day of December, 2006;

IT IS HEREBY ORDERED that the case is **DISMISSED** pursuant to the Prison Litigation Reform Act.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 37), filed on October 11, 2006, by Magistrate Judge Lenihan, is adopted as the opinion of the court.

This court certifies pursuant to 28 U.S.C. § 1915(a)(3), any appeal from this order would not be taken in good faith.



Thomas M. Hardiman
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Robert R. Porter
DU-6434
SCI Camp Hill
P.O. Box 200
Camp Hill, PA 17001

John A. Knorr
1204 Frick Building
437 Grant Street
Pittsburgh, PA 15219